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## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 9831

#### ABOLISHING THE BOARD OF WAR COMMUNICATIONS

By virtue of the authority vested in me by the Constitution and statutes, including the Communications Act of 1934 (48 Stat. 1104, as amended; 47 U. S. C. 606) and as President of the United States, and in the interest of the internal management of the Government; it is hereby ordered as follows:

1. The Board of War Communications, established as the Defense Communications Board by Executive Order No. 8546 of September 24, 1940, is abolished, and all property and records thereof are transferred to the Federal Communications Commission.

2. Executive Orders Nos. 8546 of September 24, 1940, 8960 of December 6, 1941, 8964 of December 10, 1941, 9089 of March 6, 1942, and 9183 of June 15, 1942, are revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,  
February 24, 1947.

[F. R. Doc. 47-1887; Filed, Feb. 25, 1947;  
11:56 a. m.]

### EXECUTIVE ORDER 9832

#### PRESCRIBING PROCEDURES FOR THE ADMINISTRATION OF THE RECIPROCAL TRADE AGREEMENTS PROGRAM

By virtue of the authority vested in me by the Constitution and statutes, including section 332 of the Tariff Act of 1930 (46 Stat. 698) and the Trade Agreements Act approved June 12, 1934, as amended (48 Stat. 943; 59 Stat. 410) in the interest of the foreign affairs functions of the United States and in order that the interests of the various branches of American production shall be effectively safeguarded in the administration of the trade-agreements program, it is hereby ordered as follows:

## PART I

1. There shall be included in every trade agreement hereafter entered into under the authority of said act of June 12, 1934, as amended, a clause providing in effect that if, as a result of unforeseen developments and of the concession granted by the United States on any article in the trade agreement, such article is being imported in such increased quantities and under such conditions as to cause, or threaten, serious injury to domestic producers of like or similar articles, the United States shall be free to withdraw the concession, in whole or in part, or to modify it, to the extent and for such time as may be necessary to prevent such injury.

2. The United States Tariff Commission, upon the request of the President, upon its own motion, or upon application of any interested party when in the judgment of the Tariff Commission there is good and sufficient reason therefor, shall make an investigation to determine whether, as a result of unforeseen developments and of the concession granted on any article by the United States in a trade agreement containing such a clause, such article is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of like or similar articles. Should the Tariff Commission find, as a result of its investigation, that such injury is being caused or threatened, the Tariff Commission shall recommend to the President, for his consideration in the light of the public interest, the withdrawal of the concession, in whole or in part, or the modification of the concession, to the extent and for such time as the Tariff Commission finds would be necessary to prevent such injury.

3. In the course of any investigation under the preceding paragraph, the Tariff Commission shall hold public hearings, giving reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings. The procedure and rules and regulations for such in-

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vestigations and hearings shall from time to time be prescribed by the Tariff Commission.

4. The Tariff Commission shall at all times keep informed concerning the operation and effect of provisions relating to duties or other import restrictions of the United States contained in trade agreements heretofore or hereafter entered into by the President under the authority of said act of June 12, 1934, as amended. The Tariff Commission, at least once a year, shall submit to the President and to the Congress a factual report on the operation of the trade-agreements program.

#### PART II

5. An Interdepartmental Committee on Trade Agreements (hereinafter referred to as the Interdepartmental Committee) shall act as the agency through which the President shall, in accordance with section 4 of said act of June 12, 1934, as amended, seek information and advice before concluding a trade agreement. In order that the interests of American industry, labor, and farmers, and American military, financial, and foreign policy, shall be appropriately represented, the Interdepartmental Committee shall consist of a Commissioner of the Tariff Commission and of persons designated from their respective agencies by the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. The chairman of the Interdepartmental Committee shall be the representative from the Department of State. The Interdepartmental Committee may designate such subcommittees as it may deem necessary.

6. With respect to each dutiable import item which is considered by the Interdepartmental Committee for inclusion in a trade agreement, the Tariff Commission shall make an analysis of the facts relative to the production, trade, and consumption of the article involved, to the probable effect of granting a concession thereon, and to the competitive factors involved. Such analysis shall be submitted in digest form to the Interdepartmental Committee. The digests, excepting confidential material, shall be published by the Tariff Commission.

7. With respect to each export item which is considered by the Interdepartmental Committee for inclusion in a trade agreement, the Department of Commerce shall make an analysis of the facts relative to the production, trade, and consumption of the article involved; to the probable effect of obtaining a concession thereon, and to the competitive

factors involved. Such analysis shall be submitted in digest form to the Interdepartmental Committee.

8. After analysis and consideration of the studies of the Tariff Commission and the Department of Commerce provided for in paragraphs 6 and 7 hereof, of the views of interested persons presented to the Committee for Reciprocity Information (established by Executive Order 6750, dated June 27, 1934, as amended by Executive Order 9647, dated October 25, 1945) and of any other information available to the Interdepartmental Committee, the Interdepartmental Committee shall make such recommendations to the President relative to the conclusion of trade agreements, and to the provisions to be included therein, as are considered appropriate to carry out the purposes set forth in said act of June 12, 1934, as amended. If any such recommendation to the President with respect to the inclusion of a concession in any trade agreement is not unanimous, the President shall be provided with a full report by the dissenting member or members of the Interdepartmental Committee giving the reasons for their dissent and specifying the point beyond which they consider any reduction or concession involved cannot be made without injury to the domestic economy.

#### PART III

9. There shall also be included in every trade agreement hereafter entered into under the authority of said act of June 12, 1934, as amended, a most-favored-nation provision securing for the exports of the United States the benefits of all tariff concessions and other tariff advantages hereafter accorded by the other party or parties to the agreement to any third country. This provision shall be subject to the minimum of necessary exceptions and shall be designed to obtain the greatest possible benefits for exports from the United States. The Interdepartmental Committee shall keep informed of discriminations by any country against the trade of the United States which cannot be removed by normal diplomatic representations and, if the public interest will be served thereby, shall recommend to the President the withholding from such country of the benefit of concessions granted under said act.

HARRY S. TRUMAN

THE WHITE HOUSE,  
February 25, 1947.

[F. R. Doc. 47-1886; Filed, Feb. 25, 1947;  
11:56 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration, Department of Agriculture

#### PART 5—SURPLUS PROPERTY DISPOSAL

##### MISCELLANEOUS AMENDMENTS

Sections 5.103-02, 5.303-01, 5.307-10, 5.501-03, 5.502-03, 5.504-04, 5.506-03, 5.507-04, 5.508-04, 5.602-02, 5.604-05, 5.607-01 and 5.608-02 of Chapter I, Title 6, Code of Federal Regulations are hereby amended, and a new § 5.602-023 is

hereby added to Chapter I, Title 6, Code of Federal Regulations so that said amended and added sections will read as follows:

§ 5.103-02 *Definitions; regulations of War Assets Administrator.* The following definitions are contained in WAA revised Regulation 5 and are adopted for the purposes of the regulations in this part:

(a) "Administration" means the War Assets Administration.

(b) "Administrator" means the War Assets Administrator.

(c) "Continental United States" means the 48 States and the District of Columbia.

(d) "Former owner" means the person from whom the real property was acquired by the Government.

(e) "Nonprofit institution" means any scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, any hospital or similar institution, and any volunteer fire company, (1) which is supported in whole or in part through the use of funds derived from taxation by the United States, its territories or possessions, or by any State or political subdivision thereof, or (2) which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

(f) "Educational institution" means any school, school system, library, college, university, or other similar institution, organization, or association, which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is a nonprofit institution.

(g) "Offer" means a written offer to purchase surplus real property or a written application by a Government agency or a State or local government requesting that such property be held for disposal to it.

(h) "Owner-operator" means a person who will personally operate and cultivate agricultural land to earn a livelihood rather than lease it to a tenant.

(i) "Priority" means the right of a person, subject to stated conditions and limitations, to purchase surplus real property to the exclusion of other persons.

(j) "Public-health institution" means any hospital, board, agency, institution, organization, or association, which is organized for the primary purpose of carrying on medical, public health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution.

(k) "Real property" means any interest, owned by the United States or any Government agency, in real property, of any kind, wherever located, but does not include the public domain, or such lands withdrawn or reserved from the public domain as the War Assets Administration determines are suitable for return to the public domain for disposition under the general land laws. It is not limited to the definition thereof as contained in section 23 of the act.

(l) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon

(including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (1) commercial structures constructed by, at the direction of, or on behalf of any Government agency, (2) commercial structures which the Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (3) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administrator determines essential to the use of any of the foregoing.

(m) "State or local government" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(n) "Veteran" means any person who served in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. "Veterans released" from military or naval service shall include persons on terminal leave or final furlough and those whose status has been changed from "active" to "inactive."

(o) "War housing" means real properties improved with housing structures, acquired or constructed by the Government subsequent to September 8, 1939, either (1) for the purpose of housing servicemen, war workers, and their families, or (2) by the use of funds earmarked or appropriated for the housing of persons engaged in national defense activities, and their families.

(p) "Own" business enterprise of a veteran means one of which more than fifty (50) percent of the invested capital thereof is beneficially, and not merely nominally or formally, owned by a veteran or veterans, or one of which more than fifty (50) percent of the net income thereof beneficially, and not merely nominally or formally, accrues to a veteran or veterans.

(q) "Small business" as used herein with respect to a veteran, means a veteran's own small business and may include any commercial, agricultural, or industrial enterprise or group of enterprises under common ownership or control, which does not at the date of purchase of surplus real property hereunder have more than five hundred (500) employees, or any such enterprise which, by reason of its relative size and position in its industry, is determined by the disposal agency to be a small business. The disposal agency may in its discretion apply either or both criteria in determining whether or not the applicant is a small business.

§ 5.303-01 *Assumption of custody and control of property.* Upon the filing of a declaration of surplus real property, the War Assets Administration shall work out with the owning agency mutually satisfactory arrangements for the as-

sumption by the Administration of the custody and control of, and accountability for, the property covered by such declaration. After assumption of custody and control of the property, the Administration shall be responsible for the care and handling of such property pending its disposition or pending its assignment, in whole or in part to another disposal agency. When surplus real property is assigned to the Farm Credit Administration as disposal agency the district supervisor shall promptly work out by agreement with the appropriate regional office of the WAA mutually satisfactory arrangements for the disposal agency's assumption of the physical custody and control of, and accountability for, the property covered by the declaration of assignment. This acceptance of accountability should be signed by the district vice president of the Federal Farm Mortgage Corporation.

§ 5.307-10 *Additional notice.* If the disposal agency decides to permit priority holders who have not exercised their priorities during the priority period to submit offers after such period has expired, such additional notice may be given to priority holders as the disposal agency shall deem proper.

§ 5.501-03 *Time and method of exercise of priority by Government agencies.* Government agencies shall have a period of ten (10) days in which to exercise their priorities after the date notice of availability is first published, as provided in § 5.307-02, or the date on which notice of availability is mailed to them, as provided in § 5.307-08. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the priority holder files a written statement of its desire to acquire the property or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof) those that have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a Government agency shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay (or that a transfer without reimbursement or transfer of funds is authorized by law) the length of time, if any, needed to acquire funds to purchase the property, all pertinent facts pertaining to the needs of applicant for the property and that the property is being acquired for its own use and not for transfer or disposition. If the applicant shall require time to obtain funds, or authority to take the property without reimbursement or transfer of funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such an application containing such a statement, the disposal agency shall forward a copy of the same to the

WAA. The Administrator will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude such purchase and will advise the disposal agency and the applicant of such determination. During the time thus allowed, the property may not be disposed of except where the priority period has expired and applicant's price is less than the fair value and either a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

§ 5.502-03 *Time and method of exercise of State and local government priorities.* State and local governments shall have a period of ten (10) days in which to exercise their priority after the date notice of availability is first published, as provided in § 5.307-02. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase, accompanied by an appropriate deposit if funds are available at the time for this purpose, it being in the discretion of the district office to determine the amount and whether funds are available. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the State or local government files a written statement of its desire to acquire the property on one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof) those who have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a State or local government shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay for the property, and the length of time, if any, needed to acquire funds to purchase the property. The application shall show in detail the contemplated use of the property and set forth that the property is being acquired to fulfill, in the public interest, its legitimate needs. If the applicant shall require time to obtain funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such application containing such a statement the disposal agency shall forward a copy of the same to the WAA. The Administrator will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude the purchase and will advise the disposal agency and the applicant of such determination. During the time thus allowed, the property may not be disposed of except when the priority period has expired and applicant's price is less than the current market value and a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

§ 5.504-04 *Extent of tenant's priority.* The priority of a tenant not exercised during the priority period shall expire upon the termination of such period; provided the disposal agency may, in its discretion, permit a tenant to make an offer after the priority period has ended, as set forth in § 5.602-023. The priority of a tenant is limited to the particular property as described in 32 CFR Supps. 8305.11 (a) (4) and no assignment or transfer of a tenant's priority shall be recognized. The provisions of 32 CFR 8305.11 (c) shall apply to the exercise of a tenant's priority.

§ 5.506-03 *Time and method of exercise of veteran's priority.* To exercise this priority a veteran or the spouse and children of a deceased serviceman must within the ninety (90) days after publication of the notice required by the regulations in this part or any extension thereof file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof: *Provided*, That the disposal agency may in its discretion permit veterans, or the spouse and children of deceased servicemen, to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period as set forth in § 5.602-023. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract, shall preserve the veteran's priority with respect to any and all tracts of the project. Where an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a veteran files a written statement of his desire to acquire the property. As soon as the necessary information becomes available, a veteran who has filed such an offer or statement shall be notified in writing and given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.507-04 *Time and method of exercise of owner-operators' priority.* To exercise this priority, an owner-operator must within the ninety (90) days after publication of the notice required by the regulations in this part or any extension thereof file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof, *Provided*, That the disposal agency may in its discretion permit owner-operators to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period as set forth in § 5.602-023. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract, shall preserve the owner-operator's priority with respect to any and all tracts of the project. Where an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if an owner-operator files a written statement of his desire to acquire the property. As soon as the necessary information becomes available, an owner-operator who has

filed such an offer or statement shall be notified in writing and given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

§ 5.503-04 *Time and method of exercise of nonprofit institutions' priority.* Nonprofit institutions shall have a period of ten (10) days after notice of availability is first published in which to exercise their priority with respect to other than section 23 real property and shall have a period of ninety (90) days from the date notice of availability is first published in which to exercise their priority with respect to section 23 real property. Within the applicable period, a nonprofit institution shall file a written offer to purchase or statement of desire to acquire the property, accompanied by such deposit as the disposal agency may require. The written offer or statement shall show in detail the contemplated use of the property, and set forth that the property is being acquired to fulfill, in the public interest, the legitimate needs of the offeror. Such an offer or statement, even if restricted by its terms to a specifically identified tract, shall preserve the nonprofit institution's priority with respect to any and all tracts of the project. When an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a nonprofit institution files a written statement of its desire to acquire the property. As soon as the necessary information becomes available, a nonprofit institution which has filed such a statement shall be notified in writing and given fifteen (15) days or, in the case of section 23 real property, the remainder of the priority period if that is longer, within which to make an offer.

§ 5.602-02 *Offers to purchase.* (a) During the applicable priority period, the project manager shall receive offers from priority and nonpriority prospective buyers. However, no offer shall be accepted during any priority period except in the following cases:

(1) Where an immediate transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, or

(2) Where an immediate transfer is requested by the National Housing Administrator pursuant to Public Law 292, 79th Congress, and no application has been received from another Government agency offering the maximum priority price and showing a greater need for the property, or

(3) Where surplus section 23 real property is to be advertised for 90 days and a Government agency or State or local government exercises its priority within the prescribed 10-day period, the offer of the Government agency or State or local government may be accepted after the 10-day period and before the termination of the 90-day period, or

(4) Where a former owner exercises his priority to acquire surplus section 23 real property and no offer has been submitted by a Government agency or State or local government at its maximum price within the prescribed 10-day period of priority for such claimants.

(b) Offers by Government agencies, and offers by State and local governments where funds are not available, shall be made as provided in §§ 5.501-03 and 5.502-03. All other offers shall be made on the "Offer to Purchase" form accompanied by a reasonable earnest money deposit ordinarily not less than 10 percent of the purchase price, in the form of cash, certified check, or post office money order payable to the Treasurer of the United States. Submission of offers to purchase by anyone entitled to priority shall not preclude any other party from submitting an offer.

§ 5.602-023 *Failure to exercise priority in time.* The disposal agency may, in its discretion, permit priority holders to make offers after the priority period has ended, and offers may be considered on the same basis as if they had been submitted during the priority period. Such action by the disposal agency, however, shall not be construed as extending the priority period and such offers may not be accepted to the prejudice of a timely and acceptable offer from another priority offeror. Notice shall be given as provided in § 5.307-10.

§ 5.604-05 *Veteran's affidavit of eligibility.* When the district office is ready to accept a veteran's offer, but before the acceptance is executed, the veteran shall be required to submit an affidavit to the effect that he served in the active military or naval services of the United States on or after September 16, 1940, and prior to the termination of World War II, and has been discharged or released from such service under honorable conditions; that he has not prior to the date of the affidavit purchased under a right of priority a tract or unit of surplus real property pursuant to section 23 of the Surplus Property Act of 1944; that in exercising his right of priority as a veteran, he is acting in his own right and behalf and not on behalf of, or as agent, attorney in fact, or trustee of, or in any representative or fiduciary capacity for, another, and that the property applied for is for the applicant's own personal use for agricultural or residential purposes or to enable him to establish or maintain his own small business enterprise, indicating the particular contemplated use. If the intended use is for his own small business enterprise, it will be necessary to obtain additional factual information in order that the disposal agency may determine if the applicant's own small business comes within the definitions set forth in § 5.103-02 (p) and (q). Before the affidavit is accepted from the veteran, he shall be informed of the substance of the provisions of section 26 of the Surplus Property Act of 1944.

§ 5.607-01 *Obtaining offers and acceptance of offers.* After all offers from priority holders have been processed, a list of remaining properties shall be prepared and sales negotiated by the project manager in the manner and upon the basis determined to be to the best interest of the Government. At the discretion of the district office additional notices may be published at this time in newspapers or such other publicity given to the avail-

ability of property as may be deemed advisable. Notice should be sent to individuals who have expressed a desire to purchase or who have submitted an offer at some period. Depending upon circumstances, sales may be made on the basis of sealed bids, auctions, or private negotiations. In any event offers must be accepted on the basis of the highest obtainable bid provided that no sale shall be made at a price which is less than 75 percent of the current market value as established by appraisal until such offer has been reviewed and approved by the WAA unless the price offered is the maximum price which may be charged the purchaser. At this time sales may be made to the general public, including any former priority holders. The offers to purchase will be processed and handled in the same manner as indicated in previous sections of these regulations relating to offers from priority holders. If equal acceptable offers are received from two or more nonpriority offerors, selection shall be made by lot unless otherwise authorized by the Administrator.

§ 5.603-02 *Notices in cases of nonperformance by successful bidders.* If performance of the contract of a successful bidder is not completed or if the Government agency or State or local government fails to complete its acquisition of the property after having it held for the time allotted by the WAA all those who made unsuccessful offers during the priority period or any time allowed thereafter shall be notified by mail that if they renew their offers within fifteen (15) days from the date of mailing the notice, they will be reconsidered on the same basis on which they would have been considered had the offer accepted not been received in the first instance; *Provided*, That any case in which, after acceptance of an offer by the disposal agency, the offeror requests more time for completion of the purchase then the disposal agency is willing to grant shall be submitted to the central office for transmittal to the War Assets Administration.

The foregoing amendments have been approved by the Secretary of Agriculture.

(58 Stat. 765, 50 U. S. C. App. Supp. 1611, WAA Regs. 1 and 5; 32 CFR Parts 8301, 8305; Order of the Sec. of Agric. 10 F. R. 4647)

[SEAL]

I. W. DUGGAN,  
Governor.

[F. R. Doc. 47-1794; Filed, Feb. 25, 1947; 8:46 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51632]

#### PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVERS OF CERTAIN NAVIGATION LAWS  
RESCINDED

FEBRUARY 19, 1947.

Treasury decision 51296 and 51303 dated August 11 and August 31, 1945,



## RULES AND REGULATIONS

respectively, waiving compliance with certain navigation laws, rescinded.

Upon the written recommendation of the Secretary of the Navy and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (50 U. S. C. App., Supp. 635) as extended by the Act of June 29, 1946 (Public Law 475, 79th Congress), I hereby rescind:

(a) The order of the Acting Secretary of the Treasury dated August 11, 1945 (T. D. 51296), waiving compliance with the provisions of section 434 of the Tariff Act of 1930, as amended (19 U. S. C. 1434) to the extent necessary to exempt United States Navy transports carrying commercial passengers from the requirement for making entry upon arrival in ports of the United States from foreign ports upon certain conditions specified in that order; and

(b) The order of the Acting Secretary of the Treasury dated August 31, 1945 (T. D. 51303), waiving compliance with the provisions of section 4197 of the Revised Statutes, as amended, and the act of April 29, 1902, as amended (46 U. S. C. 91, 95), to the extent necessary to permit vessels of the United States Navy when transporting commercial cargo or commercial passengers to depart from ports in the United States for foreign ports or ports in noncontiguous territory of the United States without delivering to the collector of customs of the district from which such vessels are about to depart a manifest of all the cargo on board the vessel and without obtaining from the collector a clearance for the vessel and her cargo.

This order shall become effective at midnight, March 22, 1947.

(Sec. 501, 56 Stat. 180, as amended; 50 U. S. C. App. Supp. 635)

[SEAL] E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 47-1787; Filed, Feb. 25, 1947; 8:54 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VIII—Office of International Trade, Department of Commerce

[Amdt. 304]

#### PART 801—GENERAL REGULATIONS

##### PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodity is hereby added to the list of commodities:

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
800700	Coal-tar products: Coal-tar pitch.	L. ton	100	25

2. The following commodity is hereby deleted from the list of commodities:

Dept. of Comm. Sched. B No.

#### Commodity

Steel mill products:  
606500 Malleable iron screwed pipe fittings over 180 lb. pressure, only.

Shipments of the commodities added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective immediately except that, with respect to the commodities added to the list of commodities, it shall become effective on February 28, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. App. Supp. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: February 19, 1947.

FRANCIS MCINTYRE,  
Deputy Director for Export Control,  
Commodities Branch.

[F. R. Doc. 47-1782; Filed, Feb. 25, 1947; 8:53 a. m.]

[Amdt. 305]

#### PART 801—GENERAL REGULATIONS

##### PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodity:

Dept. of Comm. Sched. B No.

#### Commodity

788600 Wheel tractors, new:  
4-plow, Model DW-10, only.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. App. Supp. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: February 19, 1947.

FRANCIS MCINTYRE,  
Deputy Director for Export Control,  
Commodities Branch.

[F. R. Doc. 47-1781; Filed, Feb. 25, 1947; 8:53 a. m.]

### Chapter IX—Office of Temporary Controls, Civilian Production Administration

**AUTHORITY:** Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

#### PART 1010—SUSPENSION ORDERS [Suspension Order S-976, Reinstatement and Amdt.]

R. G. ROBBINS LUMBER CO., INC.

R. G. Robbins Lumber Company, Inc., a corporation with offices located at 319 Southwest Washington Street, Portland, Oregon, engaged in business as an office wholesaler, was suspended on October 7, 1946 by Suspension Order No. S-976. It appealed from the provisions of the suspension order and, pending determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on October 22, 1946. The appeal has been considered by the Chief Compliance Commissioner who has denied the appeal, directed that the stay be terminated, and the suspension order reinstated and amended. In view of the foregoing: *It is hereby ordered, That:*

Section 1010.976, Suspension Order No. S-976, issued September 27, 1946 and effective October 7, 1946, be and hereby is reinstated as of February 25, 1947; the stay of execution directed by the Chief Compliance Commissioner on October 22, 1946, be and hereby is revoked as of February 24, 1947; and the suspension order be and hereby is amended by substituting the following paragraphs (a) and (h) for the present paragraphs (a) and (h).

(a) For a period beginning February 25, 1947 and extending to and including May 10, 1947, R. G. Robbins Lumber Company, Inc., shall not place certified orders or extend rated orders for housing construction lumber, regardless of the delivery date named in any purchase order on which certification may be used or to which ratings may be extended.

(h) This order shall take effect on the 25th day of February 1947.

Issued this 14th day of February 1947.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 47-1883; Filed, Feb. 25, 1947; 11:13 a. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-2000]

JOSEPH SANTOSUOSSO

Joseph Santosuosso, 3346 Fulton Road, Cleveland, Ohio, on or about November 1, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on construction involving the alteration and remodeling of a commercial storeroom used as a bar and restaurant, located at 3346 Fulton Road, Cleveland, Ohio, the estimated cost of which construction was in excess of \$1,000.00. The beginning of construction and the carrying on of construction as aforesaid constituted a grossly negligent violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.2000 *Suspension Order No. S-2000.* (a) Neither Joseph Santosuosso, his successors or assigns, nor any other person shall do any further construction on the alteration and remodeling of the structure used as a bar and restaurant and located at 3346 Fulton Road, Cleveland, Ohio, including completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Joseph Santosuosso shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joseph Santosuosso, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 25th day of February 1947.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 47-1884; Filed, Feb. 25, 1947;  
11:13 a. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-2001]

EDOUARD E. AND KATHLEEN M. ROBERT

Edouard E. and Kathleen M. Robert, husband and wife, as owners, on March 1, 1946, were assigned Preference Rating HH by the Federal Housing Administration on Form CPA-4386, Project Serial No. 6-125-75, for acquisition of material under the provisions of PR-33, to construct a five-room single family dwelling at Brockway, Lake Tahoe, California. On April 8, 1946, authorization was granted them by the Civilian Production Administration, but without priorities assistance, to construct at the same location three one and a half story structures consisting of two apartments each. Instead of construction of the five-room single family dwelling as authorized, the owners began and are continuing construction of a story and a half building containing two apartments and a service station without authorization of the Civilian Production Administration in violation of Veterans' Housing Program Order No. 1. Lumber in the amount of 74,000 board feet, acquired by application to suppliers of the Preference Rating HH granted as above stated, has been used in the construction of all four structures and so far as three of them are concerned, in violation of PR-33 and without authorization of the Civilian Production Administration. These violations have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.2001 *Suspension Order No. S-2001.* (a) Authorization on Form CPA-4386, Project Serial No. 6-125-75, dated March 1, 1946, to Edouard E. and

Kathleen M. Robert, to apply Preference Rating HH in purchasing the minimum quantity of materials in accordance with PR-33 in the construction of a five-room single family dwelling at Brockway, Lake Tahoe, California, is hereby revoked.

(b) Neither Edouard E. nor Kathleen M. Robert, their successors or assigns, nor any other person shall do any further construction on the story and a half building, containing two apartments and service station, above mentioned, at Brockway, Lake Tahoe, California, including completing, putting up or altering said structure until and unless hereafter specifically authorized in writing by the Civilian Production Administration.

(c) Nothing contained in this order shall be deemed to relieve Edouard E. and Kathleen M. Robert, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 25th day of February 1947.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 47-1885; Filed, Feb. 25, 1947;  
11:13 a. m.]

#### Chapter XI—Office of Temporary Controls, Office of Price Administration

##### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Corr. to Amdt. 37]

##### SUGAR Correction

In Federal Register Document 47-1778, appearing on page 1228 of the issue for Saturday, February 22, 1947, the date in the file line at the end of the document should be "Feb. 21, 1947"

#### Chapter XV—Board of War Communications

##### ABOLISHMENT OF BOARD

CROSS REFERENCE: For abolishment of the Board of War Communications, and transfer of all property and records thereof to the Federal Communications Commission, see Executive Order 9831 under Title 3, *supra*.

#### TITLE 46—SHIPPING

##### Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946  
[G. O. 60, Supp. 10]

##### PART 293—RULES AND REGULATIONS, FORMS AND CITIZENSHIP REQUIREMENTS

##### SUBPART B—SALES OF WAR-BUILT VESSELS Correction

In Federal Register Document 47-1714, appearing at page 1230 of the issue for

Saturday, February 22, 1947, the second sentence of § 299.26 (b) (1) (i) should read: "With respect to the contents of opened packages and containers, items normally supplied to vessels in bulk shall be considered first on the basis of condition and if meeting the above qualifications, the quantities as found shall be considered as unbroached."

#### TITLE 47—TELECOMMUNICATION

##### Chapter I—Federal Communications Commission

[Docket No. 7424]

##### PART 3—RADIO BROADCAST SERVICES

##### NON-COMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1947;

Whereas, on March 7, 1946, the Commission issued its proposed rules and regulations for the non-commercial educational FM broadcast service, allowing 60 days for the public to submit comments and suggestions in regard thereto, and thereafter on April 10, 1946, in response to a request of the National Association of Educational Broadcasters, further extended the time for public consideration of the proposed rules and regulations from May 7, 1946, to June 6, 1946; and

Whereas, the Commission has received comments and suggestions since the publication regarding the proposed rules and regulations and,

Whereas, the Commission has given careful consideration to all such suggestions and comments,

Now, therefore, it is ordered, That §§ 3.501 to 3.591, inclusive, of the Commission's rules and regulations governing non-commercial educational FM broadcast stations as set forth below be, and they are hereby adopted, effective the 1st day of April 1947.

It is further ordered, That the designation contained in Part 3 of the Commission's rules and regulations reading "Subpart D—Rules Governing Television Broadcast Stations" be, and it hereby is amended to read as follows: "Subpart E—Rules Governing Television Broadcast Stations."

##### SUBPART D—RULES GOVERNING NON-COMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

##### CLASSIFICATION OF STATIONS AND ALLOCATION OF FREQUENCIES

- Sec.  
3.501 Channels available for assignment.  
3.502 State-wide plans.  
3.503 Operation and service.  
3.504 Channel, power and service area.  
3.505 Standards of Good Engineering Practice.

##### RULES GOVERNING ADMINISTRATIVE PROCEDURE

- 3.511 Application for noncommercial educational FM broadcast stations.  
3.512 Full disclosures.  
3.513 Installation or removal of apparatus.  
3.514 Period of construction.  
3.515 Forfeiture of construction permits; extension of time.

## RULES AND REGULATIONS

- Sec.  
 3.516 Equipment tests.  
 3.517 Program tests.  
 3.518 Normal license period.  
 3.519 License, simultaneous modification and renewal.  
 3.520 Renewals of license.  
 3.521 Temporary extension of station licenses.  
 3.522 Repetitions—Applications.  
 3.523 Assignment or transfer of control.

## RULES RELATING TO EQUIPMENT

- 3.551 Transmitter power.  
 3.552 Frequency monitor.  
 3.553 Modulation monitor.  
 3.554 Required transmitter performance.  
 3.555 Auxiliary transmitter.  
 3.556 Alternate main transmitters.  
 3.557 Changes in equipment and antenna system.

## RULES RELATING TO TECHNICAL OPERATION

- 3.561 Operating schedule.  
 3.562 Experimental operation.  
 3.563 Station inspection.  
 3.564 Station license, posting of.  
 3.565 Operation requirements.  
 3.566 Facsimile broadcasting and multiplex transmission.  
 3.567 Operating power; how determined.  
 3.568 Modulation.  
 3.569 Frequency tolerance.  
 3.570 Inspection of tower lights and associated control equipment.

## OTHER RULES RELATING TO OPERATION

- 3.581 Logs.  
 3.582 Logs, retention of.  
 3.583 Logs, by whom kept.  
 3.584 Log form.  
 3.585 Correction of logs.  
 3.586 Rough logs.  
 3.587 Station identification.  
 3.588 Mechanical records.

## REBROADCAST

- 3.591 Rebroadcast.

**AUTHORITY:** §§ 3.501 to 3.591, inclusive, issued under secs. 4 (i), 303 (b), 303 (c), 303 (e), 303 (f), 303 (j), 48 Stat. 1066, 1082; 47 U. S. C. 154 (i), secs. 303 (c), 303 (e), 303 (f), 303 (j).

## SUBPART D—RULES GOVERNING NON-COMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

## CLASSIFICATION OF STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.501 *Channels available for assignment.* The channels available for noncommercial educational FM broadcasting are listed in the table below, together with numerical designations for convenience:

Frequency (mc.)	Channel No.
88.1	201
88.3	202
88.5	203
88.7	204
88.9	205
89.1	206
89.3	207
89.5	208
89.7	209
89.9	210
90.1	211
90.3	212
90.5	213
90.7	214
90.9	215
91.1	216
91.3	217
91.5	218
91.7	219
91.9	220

§ 3.502 *State-wide plans.* In considering the assignment of a channel for a noncommercial educational FM broadcast station, the Commission will take into consideration the extent to which each application meets the requirements of any state-wide plan for noncommercial educational FM broadcast stations filed with the Commission: *Provided*, That such plans afford fair treatment to public and private educational institutions, urban and rural, at the primary, secondary, higher, and adult educational levels, and appear otherwise fair and equitable.

§ 3.503 *Operation and service.* The operation of, and the service furnished by noncommercial educational FM broadcast stations shall be governed by the following:

(a) A noncommercial educational FM broadcast station will be licensed only to a non-profit educational organization and upon showing that the station will be used for the advancement of an educational program.

(1) In determining the eligibility of publicly supported educational organizations, the accreditation of their respective state departments of education shall be taken into consideration.

(2) In determining the eligibility of privately controlled educational organizations, the accreditation of state departments of education and/or recognized regional and national educational accrediting organizations shall be taken into consideration.

(b) Each station may transmit programs directed to specific schools in a system or systems for use in connection with the regular courses as well as routine and administrative material pertaining thereto and may transmit educational, cultural and entertainment programs to the public.

(c) Each station shall furnish a non-profit and noncommercial broadcast service. No sponsored or commercial program shall be transmitted nor shall commercial announcements of any character be made. A station shall not transmit the programs of other classes of broadcast stations unless all commercial announcements and commercial references in the continuity are eliminated.

§ 3.504 *Channel, power and service area.* In making an assignment of the channel, operating power, and service area of each noncommercial educational FM broadcast station, the Commission will consider all relevant factors including: (a) The area served by the applicant's existing educational facilities; (b) the channel, power, and service area proposed in the application; and (c) the provisions of any statewide plan on file with the Commission, which meets the requirements of § 3.502.

§ 3.505 *Standards of Good Engineering Practice.* The Standards of Good Engineering Practice Concerning FM Broadcast Stations shall be applicable to noncommercial educational FM broadcast stations. Applicants for stations in this service having an effective radiated power in excess of 1 kw shall determine the antenna height above average terrain and the extent of their

1,000 uv/m and 50 uv/m contours by the method prescribed in section 2E (2) of the standards.

Applicants for stations in this service having an effective radiated power of 1 kw. or less shall determine the antenna height above the average terrain by the method prescribed in section 2E (1) of the standards.

## RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.511 *Application for noncommercial educational FM broadcast stations.* Each applicant for a construction permit for a new noncommercial educational FM broadcast station, change in facilities of any existing noncommercial educational FM broadcast station, or noncommercial educational FM broadcast station license or modification of license shall file with the Commission in Washington, D. C., two copies of applications on the appropriate form designated by the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new noncommercial educational FM broadcast station, Form FCC No. 340 should be filed; for a noncommercial educational FM license, Form FCC No. 341<sup>1</sup> should be filed; and for modification of a noncommercial educational FM license or for change in facilities of an existing noncommercial educational FM broadcast station Form FCC No. 342<sup>1</sup> should be filed.

§ 3.512 *Full disclosures.* Each application shall contain full and complete disclosures with regard to all matters and things required to be disclosed by the application forms.

§ 3.513 *Installation or removal of apparatus.* Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 3.514 *Period of construction.* Each construction permit will specify a maximum of eight months from the date of granting thereof as the time within which construction of the station shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. Each construction permit shall bear the date of the Commission's action authorizing the issuance of the construction permit. Where a conditional grant is ordered, the construction permit shall be dated as of the time when all conditions have been satisfied.

§ 3.515 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as

<sup>1</sup> Will be issued by the Commission at a later date. Appropriate forms to be employed may be obtained from the Commission on request.



the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Any application<sup>2</sup> for extension of time within which to construct a station shall be filed at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

~ § 3.516 *Equipment tests.* (a) Upon completion of construction for a non-commercial educational FM broadcast station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and Standards of Good Engineering Practice concerning FM broadcast stations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 30 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience and necessity.

§ 3.517 *Program tests.* (a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and Standards of Good Engineering Practice concerning FM broadcast stations, and after application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided*, That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or § 3.516 shall

not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.518 *Normal license period.* All noncommercial educational FM broadcast station licenses will be issued so as to expire at the hour of 3 a. m. e. s. t., and will be issued for a normal license period of 1 year.

§ 3.519 *License, simultaneous modification and removal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.520 *Renewals of license.* (a) Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 343)

(b) Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.521 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing noncommercial educational FM license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further*, That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.522 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new non-commercial educational FM broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of

12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until after the final disposition of such appeal.

§ 3.523 *Assignment or transfer of control.* Application for consent to assignment of a noncommercial educational FM construction permit or license or for consent to voluntary transfer of control of a corporation holding a non-commercial educational FM construction permit or license shall be filed with the Commission on Form FCC No. 314 (assignment of license) and Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

#### RULES RELATING TO EQUIPMENT

§ 3.551 *Transmitter power.* The rated power and the operating power range of transmitters shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.552 *Frequency monitor.* The licensee of each noncommercial educational FM broadcast station shall have in operation at the transmitter an approved frequency monitor independent of the frequency control of the transmitter. For detailed requirements thereof see Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.553 *Modulation monitor.* The licensee of each noncommercial educational FM broadcast station shall have in operation at the transmitter an approved modulation monitor. For detailed requirements thereof see Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.554 *Required transmitter performance.* The construction, installation, operation, and performance of the noncommercial educational FM broadcast transmitter system shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.555 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of a broadcast station, a license therefor may be issued: *Provided, That:*

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be placed into immediate operation at any time for the following purposes:

<sup>2</sup> Form FCC No. 701.

## RULES AND REGULATIONS

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification<sup>3</sup> work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed five days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that work may be omitted provided the operation under paragraph (c) of this section is satisfactory. A record shall be kept of the time and result of each test.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitter, but in no event shall it be greater than such power.

§ 3.556 *Alternate main transmitters.* The licensee of a noncommercial educational FM broadcast station may be licensed for alternate main transmitters provided that a technical need<sup>4</sup> for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of the Standards of Good Engineering Practice concerning FM Broadcast Stations.

§ 3.557 *Changes in equipment and antenna system.* Licensees of noncommercial educational FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made: (1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) Specific authority, upon filing formal application (Form FCC No. 342) therefor, is required for a change in

service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

(2) A replacement of the transmitter as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(c) Specific authority, upon filing informal request therefor, is required for a change in the indicating instruments installed to measure transmitter power output, except by instruments of the same maximum scale reading and accuracy.

(d) Other changes, except as above provided for in this section or in the Standards of Good Engineering Practice Concerning FM Broadcast Stations, may be made at any time without the authority of the Commission; *Provided*, That the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

#### RULES RELATING TO TECHNICAL OPERATION

§ 3.561 *Operating schedule.* Noncommercial educational FM broadcast stations are not required to operate on a regular schedule and no minimum number of hours of operation is specified; but the hours of actual operation during a license period shall be taken into consideration in considering the renewal of noncommercial educational FM broadcast licenses wherever it appears that the channels available for such stations are insufficient to meet the demand.

§ 3.562 *Experimental operation.* The period between 12:00 midnight, and 6 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any noncommercial educational FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

§ 3.563 *Station inspection.* The licensee of any noncommercial educational FM broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.564 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.565 *Operator requirements.* If the transmitter power rating is 1 kilowatt or less, one or more licensed radio-telephone second class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof. If the transmitter power rating is in excess of 1 kilowatt, one or more licensed radio-telephone first class operators shall be

on duty. The original license (or Form FCC No. 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.<sup>5</sup>

§ 3.566 *Facsimile broadcasting and multiplex transmission.* Transmission of simplex facsimile on FM channels may be permitted upon application to the Commission. The Commission may grant experimental authority to a noncommercial educational FM broadcast station for the multiplex transmission of facsimile or other signals and aural broadcast programs, provided that the transmission of facsimile or other signals does not reduce the quality of the aural program, and that a filter or other additional equipment is not required for receivers not equipped to receive facsimile or other signals.

§ 3.567 *Operating power, how determined.* The operating power, and the requirements for maintenance thereof, of each noncommercial educational FM broadcast station shall be determined by the methods prescribed in the Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.568 *Modulation.* The percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent or more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.569 *Frequency tolerance.* The center frequency of each noncommercial educational FM broadcast station shall be maintained within 2000 cycles of the assigned center frequency.

§ 3.570 *Inspection of tower lights and associated control equipment.* The licensee of any noncommercial educational FM broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (g) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

<sup>5</sup> For additional information regarding operator licenses see section 13 of the Commission's rules.

<sup>3</sup> This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.365.

<sup>4</sup> Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

OTHER RULES RELATING TO OPERATION

§ 3.581 *Logs.* The licensee of each noncommercial educational FM broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log: (1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced.

If the program is of network origin, its source shall be indicated.

If the broadcast is under the auspices of an institution or organization other than the licensee, its name shall be noted.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program service begins and ends.

(3) An entry of each interruption to the carrier wave, its cause and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage)

(ii) Transmission line current or voltage.

(iii) Frequency monitor reading.

(5) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log appropriate to the requirements of § 3.570 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Time notice was given to Airways Communications Station (C. A. A.) of any tower light failure not corrected within thirty minutes.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection (required at least once each three months).

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 3.582 *Logs, retention of.* Logs of noncommercial educational FM broadcast stations shall be retained by the licensee for a period of 2 years.

§ 3.583 *Logs, by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.584 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.585 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.586 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.587 *Station identification.* (a) A licensee of a noncommercial educational FM broadcast station shall make at least the following station identification announcements (call letters and location) (1) At the beginning and ending of each time of operation; and (2) within 2 minutes of each hour and each half hour during operation; *Provided:*

(b) Such identification announcement need not be made on the hour or half hour when to make such announcement would interrupt a single continuous program of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the continuity, and at the conclusion of the program.

(c) In making the identification announcement, the call letters shall be given only on the channel of the station identified thereby.

§ 3.588 *Mechanical records.* Each program broadcast, except when designed specifically for in-school listening, which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute

interval and at the conclusion of the program; *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony, concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof; *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.591 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program<sup>6</sup> of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by a remote pick-up broadcast station or studio transmitter link is not considered a rebroadcast. In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

(b) The licensee of a non-commercial educational FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States Standard, FM, non-commercial educational, or international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.<sup>7</sup>

<sup>6</sup> As used in this section, program includes any complete program or part thereof.

<sup>7</sup> The notice and certification of consent shall be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

<sup>8</sup> See § 3.593 (c).

(c) No licensee of a non-commercial educational FM broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.<sup>o</sup>

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-1783; Filed, Feb. 25, 1947;  
8:54 a. m.]

[Order 102-A]

**PART 13—COMMERCIAL RADIO OPERATORS  
IN THE MATTER OF CANCELLATION OF OPERA-  
TION OF AERONAUTICAL AND AERONAUTICAL  
FIXED STATIONS USING RADIOTELEGRAPHY  
BY CERTAIN OPERATORS HOLDING RADIO-  
TELEPHONE OPERATOR LICENSES**

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1947.

The Commission having under consideration the proposed cancellation of its Order No. 102, dated June 16, 1942; and

It appearing that on October 31, 1946 the Commission duly published, and also distributed, a notice of proposed rule making proposing that Order No. 102 (11 F. R. 13540) be cancelled; and

It further appearing that the period in which interested parties were afforded an opportunity to submit comment expired on November 15, 1946 and during that period the Commission received no comment in opposition to the proposed cancellation; and

It further appearing that it is in the public interest, convenience or necessity that Commission Order No. 102 (7 F. R. 4619) be cancelled, and that authority for the cancellation of that order is con-

tained in sections 303 (l) and (r) of the Communications Act of 1934, as amended;

*It is ordered*, That Commission Order No. 102 be and the same is hereby cancelled.

*It is further ordered*, That after the effective date of this order no person shall operate any aeronautical or aeronautical fixed station using radio telegraphy except in accordance with the provisions of § 13.61 of the Commission's rules governing commercial radio operators.

This order shall take effect on March 25, 1947.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-1786; Filed, Feb. 25, 1947;  
8:54 a. m.]

**TITLE 49—TRANSPORTATION  
AND RAILROADS**

**Chapter II—Office of Defense  
Transportation**

**PART 500—CONSERVATION OF RAIL  
EQUIPMENT**

**SHIPMENTS FROM AND WITHIN OFFICIAL  
CLASSIFICATION TERRITORY**

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520, *infra*.

[Gen. Permit ODT 1, Rev.-10, Amdt. 2]

**PART 520—CONSERVATION OF RAIL EQUIP-  
MENT; EXCEPTIONS, PERMITS AND SPECIAL  
DIRECTIONS**

**SHIPMENTS FROM OFFICIAL CLASSIFICATION  
TERRITORY**

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, *It is hereby or-*

*dered*, That the expiration date provided in General Permit ODT 1, Revised-10, as amended (11 F. R. 12364, 14598), be changed to May 1, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 476, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 21st day of February 1947.

HOMER C. KING,  
Deputy Director of the Office  
of Defense Transportation.

[F. R. Doc. 47-1795; Filed, Feb. 25, 1947;  
8:46 a. m.]

[Gen. Permit ODT 1, Rev.-11, Amdt. 2]

**PART 520—CONSERVATION OF RAIL EQUIP-  
MENT; EXCEPTIONS, PERMITS AND SPECIAL  
DIRECTIONS**

**SHIPMENTS WITHIN OFFICIAL CLASSIFICA-  
TION TERRITORY**

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8689, as amended, and Executive Order 9729, *It is hereby ordered*, That the expiration date provided in General Permit ODT 1, Revised-11, as amended (11 F. R. 12364, 14598), be changed to May 1, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 476, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 21st day of February 1947.

HOMER C. KING,  
Deputy Director of the Office  
of Defense Transportation.

[F. R. Doc. 47-1796; Filed, Feb. 25, 1947;  
8:46 a. m.]

**NOTICES**

**DEPARTMENT OF JUSTICE**

**Office of Alien Property**

[Vesting Order 8211]

MARIA BRAUN

In re: Estate of Maria Braun, also known as Marie Braun, deceased. File 017-20939.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

<sup>o</sup> By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.591 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for the express purpose by United States Government radio stations.

utive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Klaus, Weiner Klaus, Karl Medefind, Franz Medefind and Bridget Muller, nee Braun, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the issue, names unknown of Franz Medefind, who there is a reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Maria Braun, also known as Marie Braun, deceased, is property payable or deliverable to, or claimed

by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by William F. Simpson, as executor, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the above, named persons, and the issue, names unknown, of Franz Medefind, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-1760; Filed, Feb. 24, 1947;  
8:47 a. m.]

[Vesting Order 8212]

LEO H. BROWN

In re: Trust under the last will and testament of Leo H. Brown, deceased. File No. D-34-83; E. T. sec. 1606.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Miklos Eckstein, Bözsi Markovits, Karolyn Stark, Zoltan Braun, a/k/a Israel Zoltan Braun, Paula Grunfeld, Sandor Grunfeld, Kapi Grunfeld, Margit Grunfeld and Frieda Grunfeld, and each of them, in and to the trust under the will of Leo H. Brown, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

*Nationals and Last Known Address*

Miklos Eckstein, Hungary.  
Bözsi Markovits, Hungary.  
Karolyn Stark, Hungary.  
Zoltan Braun, also known as Israel Zoltan Braun, Hungary.  
Paula Grunfeld, Hungary.  
Sandor Grunfeld, Hungary.  
Kapi Grunfeld, Hungary.  
Margit Grunfeld, Hungary.  
Frieda Grunfeld, Hungary.

That such property is in the process of administration by the Clinton Trust Company, as substituted trustee, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals

of a designated enemy country (Hungary)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-1761; Filed, Feb. 24, 1947;  
8:47 a. m.]

[Vesting Order 8213]

MARIA BUHLMAIER

In re: Estate of Maria Buhlmaier, deceased. File No. D-28-10398; E. T. sec. 14802.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Margaret Schaub and Centa Kriegenhofer a/k/a Caenta Kreehoefer, and each of them, in and to the estate of Maria Buhlmaier, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Margaret Schaub, Germany.  
Centa Kriegenhofer, a/k/a Caenta Kreehoefer, Germany.

Claimants	Claim No.	Vesting order No.	Property	Location
Rudolph Grodetzky and Paul Schleissner doing business as Unceda Notions Manufacturers, New York, N. Y.	3310	670 (3 F. R. 5002)	U. S. Letters Patent No. 2,653,165.	Washington, D. C.

Executed at Washington, D. C., on February 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-1760; Filed, Feb. 25, 1947;  
8:54 a. m.]

That such property is in the process of administration by Joseph Buhlmaier, as Executor, acting under the judicial supervision of the Hudson County Surrogate's Court, Jersey City, New Jersey.

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-1762; Filed, Feb. 24, 1947;  
8:47 a. m.]

UNCEDA NOTIONS MANUFACTURERS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

[Vesting Order 8214]

JOHN P. KORN

In re: Estate of John P. Korn, deceased. File No. D-28-10699; E. T. sec. 15041.

Under the authority of the Trading with the Enemy Act, as amended, Execu-



tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Korn, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the wife and issue, names unknown of Henry Korn, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John P. Korn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by John C. Korn, 137 Mortimer Avenue, Rutherford, New Jersey; Mary S. Korn, 224 Carmita Avenue, Rutherford, New Jersey; and George J. A. Korn, 192 Carmita Avenue, Rutherford, New Jersey, as co-executors, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey

and it is hereby determined:

5. That to the extent that the above named person and the wife and issue, names unknown of Henry Korn, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended. (40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director

[F. R. Doc. 47-1763; Filed, Feb. 24, 1947; 8:47 a. m.]

[Vesting Order 8232]

SUMITOMO BANK, LTD.

In re: Claim owned by The Sumitomo Bank, Limited. F-39-184-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That The Sumitomo Bank, Limited, the last known address of which is Osaka, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Osaka, Japan and is a national of a designated enemy country (Japan)

2. That the property described as follows: Those certain debts or other obligations owing to The Sumitomo Bank, Limited, by The Sumitomo Bank of Hawaii, P. O. Box 1200, Honolulu, T. H., totaling \$56,550.89, as of December 31, 1945, evidenced by Receiver's Liability No. 11980-E and Supervisor's Liability No. 12061, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director

[F. R. Doc. 47-1789; Filed, Feb. 25, 1947; 8:54 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Misc. 1993881]

COLORADO

RESTORATION ORDER NO. 1178 UNDER FEDERAL POWER ACT

FEBRUARY 14, 1947.

Pursuant to the determination of the Federal Power Commission (DA-247, Colorado) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR § 4.275 (16), 11 F. R. 9080), *It is ordered as follows:*

The land hereinafter described, which was withdrawn by Department order of February 24, 1925, creating Power Site Classification No. 88, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818)

At 10:00 a. m. on April 18, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 19, 1947, to July 18, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 30, 1947 to April 18, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 19, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 19, 1947 any of the lands remaining unappropriated shall become, subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 29, 1947 to July 18, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 19, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their application with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Denver, Colorado.

The lands affected by this order are described as follows:

**SIXTH PRINCIPAL MERIDIAN**

T. 2 S., R. 79 W., sec. 19, lots 31 and 32.

The area described contains 5.20 acres.

These lots are mountainous in character and have a second to third rate soil.

FRED W. JOHNSON,  
Director.

[F. R. Doc. 47-1767; Filed, Feb. 25, 1947;  
8:50 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 484]

PENNSYLVANIA-CENTRAL AIRLINES CORP.

### NOTICE OF HEARING

In the matter of the motion of Pennsylvania-Central Airline Corporation under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order fixing and determining temporary fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its entire system.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on February 26, 1947, at 10 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, 14th and Constitution Ave. NW., Washington, D. C., before Examiner Frank A. Law, Jr.

Dated at Washington, D. C., February 21, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 47-1788; Filed, Feb. 25, 1947;  
8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### TEMPORARY EXPEDITING PROCEDURE FOR STANDARD BROADCAST APPLICATIONS

#### ANNOUNCEMENT OF CONFERENCES

FEBRUARY 19, 1947.

Pursuant to the Commission's public notice of January 8, 1947, entitled "Temporary Expediting Procedure for Standard Broadcast Applications" (12 F. R. 326) and as provided for therein, the following schedule of informal engineering conferences, as announced for the week of February 24 through 28, 1947:

Monday, Feb. 24	Tuesday, Feb. 25	Wednesday, Feb. 26	Thursday, Feb. 27	Friday, Feb. 28
Kc. 860 1060 1560	Kc. 1560 1060 -----	Kc. 630 810 1240	Kc. 1630 1320 1570	Kc. 630 1060 1120

Attorneys and engineers representing applicants on the above specified channels should appear in Room 7454, New Post Office Building, Washington, D. C., at 10 A. M., on the date specified, prepared to participate in the conference concerning the channel in which they are interested. Such representatives of adjacent channel applicants, or of existing station licensees, desiring to participate in any of the foregoing conferences, may also appear at the time and place indicated and take part therein.

Further conferences, pertaining to the above specified channels, will, if necessary, be scheduled and announced at the initial conferences provided for herein. No additional public notice, insofar as such conferences are concerned, is contemplated.

The Commission desires to stress the urgent necessity for the attendance of representatives of applicants for the above specified frequencies at the conference involving their applications. Failure to attend will be construed as indicating that such applicants do not desire to participate in the expediting plan and, although their applications will be considered in connection with the other applications concerned, they will not be accorded the amendment privileges provided for in the public notice of January 8, 1947.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-1784; Filed, Feb. 25, 1947;  
8:54 a. m.]

### TEMPORARY EXPEDITING PROCEDURE FOR STANDARD BROADCAST APPLICATIONS

#### ANNOUNCEMENT OF CONFERENCES

FEBRUARY 19, 1947.

In the announcement of conferences to be held under the Temporary Expediting Procedure for Standard Broadcast Applications, as listed in Public Notice 4860 dated February 19, 1947, the

frequencies 1500 and 1540 kc were inadvertently included and should be deleted. Conferences will not be held as scheduled on these two frequencies.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-1785; Filed, Feb. 25, 1947;  
8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-851]

### CONSOLIDATED GAS UTILITIES CORP.

#### NOTICE OF APPLICATION

FEBRUARY 19, 1947.

Notice is hereby given that on February 3, 1947, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Texas, Oklahoma and Kansas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following facilities:

(1) Approximately 34,000 feet of 6-inch pipe line, together with the necessary appurtenant equipment, beginning at R. Olsen Oil Company's Ott #1 gas well located in the southwest quarter of the southeast quarter of Section 4, Township 21 North, Range 9 West, Major County, Oklahoma, and extending in a southeasterly direction to a point of connection with Applicant's existing 14-inch main gas transmission pipe line in the southeast quarter of Section 31, Township 21 North, Range 8 West, Garfield County, Oklahoma.

(2) A measuring and regulating station to be installed at or near the R. Olsen Oil Company's Ott #1 well in Section 4, Township 21 North, Range 9 West, Major County, Oklahoma.

(3) Two corrugated iron structures to be installed at the location set out in subparagraph (2) above, to house the measuring and regulating equipment.

Applicant recites that no new service is proposed to be rendered by Applicant with the new facilities, and that all such new facilities are to be used to transport gas from the wellhead of the Ott #1 well into Applicant's main pipe line for use in rendering service to Applicant's existing customers. Applicant states that it has a gas-purchase contract covering production from the Ott #1 well.

Applicant states that the Ott #1 well was recently drilled and that further development of the area is contemplated, which will ultimately provide additional gas for transportation through the proposed facilities in addition to that which can be obtained from the well already completed. It is further stated that the discovery of this additional source of supply in the area of the Ott #1 well and its connection to Applicant's main pipe line will provide gas which can be delivered through Applicant's existing facilities in the general area in which cur-

tailments of deliveries occurred during the current heating season of 1946-1947, and the additional gas made available from this source will enable Applicant to supplement its present declining sources of supply and assist it in meeting its present market requirements.

Applicant estimates that the maximum amount of gas which will be delivered through the proposed facilities on the peak day of any year will be approximately 15,000 Mcf, and that the minimum quantity to be delivered in any one day will be approximately 2,000 Mcf. The maximum capacity of the proposed facilities will be approximately 15,000 Mcf per day.

Applicant estimates that the over-all capital cost of construction of all of the facilities above enumerated will total approximately \$43,105, to be financed from its funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Consolidated Gas Utilities Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-1777; Filed, Feb. 25, 1947;  
8:53 a. m.]

## FEDERAL TRADE COMMISSION

[Docket No. 5068]

NATIONAL ASSOCIATION OF BLOUSE  
MANUFACTURERS, INC., ET AL.

### ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1947.

In the matter of National Association of Blouse Manufacturers, Inc., an incorporated association, its officers, members of its Board of Directors, and members: Abraham Rosenthal, President; Sidney Heller, 1st Vice President; William Schneider, 2d Vice President; Emil Adelaar, Secretary; Benjamin H. Lerner, Executive Director; officers of said association; Amil Adelaar, Lou Brecher, Morris Cederbaum, Nathan Cumsy, Marcus Helitzer, Alfred Kolodny, Leo Levy, Samuel Mitchell, Sam Nadler, Vincent Sica, Herman Steinfeld, Albert Weiner, members of the Board of Directors of said association. Opera Dress and Blouse, Inc., a corporation, Sidney Heller Co., Inc., a corporation, William Schneider, trading as Vanity Blouse and Sportswear, a corporation, Adelaar Bros., Inc., a corporation, Venida Blouse Corp., a corporation, Morris Cederbaum, trading as Abaleene Blouse and Sportswear, a corporation, Helitzer Brothers & Company, Inc., a corporation, Blousecraft Co., Inc., a corporation, Mitchell & Weber, Inc., a corporation, National Blouse Corporation, a corporation, Sica Brothers, Inc., a corporation, Steinfeld Blouse and Sportswear, a corporation, Chrysler Products Corp., a corporation, New York Mfg. Corp., a corporation, Sports Guild, Inc., a corporation, Society Sportswear, Inc., a corporation, Tuxedo Blouse Co., Inc., a corporation and Variety Blouse & Sportswear, Inc., a corporation, representative members of said association. Greater Blouse, Skirt & Neckwear Contractors Association, Inc., a corporation, its officers and Board of Directors: Joseph Aigen, President, Charles Bader, M. Finkelstein, William Monticelli, Vice Presidents, Jack Levine, Secretary, Abraham Ormut, Treasurer, officers and members of the Board of Directors, and representative members of said association. Blouse and Waist Makers Union, Local 25 an unincorporated association and its officers, executive committee, and members; Charles Kreindler, Manager; Carrie Franco, Chairman; officers and Bertha Bookspoon, Lee Bashoff, Josephine Conti, Betty Epstein, Winifred Gittens, Betty Kramer, Irene Lazare, Esther Lehman, Mae Monachelli, Edna Haynes, Matilda Pinski, Minnie Rubenstein, Ethel Siegel, Alex Sosne, William Podnos, members of the Executive Committee, and representative members of said union.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Webster Ballinger, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

*It is further ordered*, That the taking of testimony and the receipt of evidence begin on Wednesday, February 26, 1947, at ten o'clock in the forenoon of that day (eastern standard time) in Room 1252, 1440 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the com-

plaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-1791; Filed, Feb. 25, 1947;  
8:46 a. m.]

[Docket No. 5441]

STERLING DRUG, INC.

### ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Webster Ballinger, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony and the receipt of evidence begin on Tuesday, March 4, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record, in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-1792; Filed, Feb. 25, 1947;  
8:46 a. m.]

[Docket No. 5312]

BENSON AND HEDGES

ORDER APPOINTING TRIAL EXAMINER AND  
FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That John L. Hornor, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony and the receipt of evidence begin on Tuesday, March 11, 1947, at ten o'clock in the forenoon of that day (eastern standard time) in Room 505, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-1793; Filed, Feb. 25, 1947;  
8:46 a. m.]

SECURITIES AND EXCHANGE  
COMMISSION

[File No. 70-1241]

STANDARD GAS AND ELECTRIC CO.

ORDER PERMITTING AMENDED DECLARATION TO  
BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of February 1947.

Standard Gas and Electric Company (Standard Gas) a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, filed on December 30, 1946, its Amendment No. 7 and thereafter its Amendments No. 8 and 9 to its declaration filed pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 (the act) regarding the proposed modification of the terms and conditions with respect to the payment of the purchase price of \$850,000 to be paid to Standard

Gas under the Company's proposed sale to Theodore E. Shepard of the following securities: (a) 50,000 shares of the par value of \$100 (money of the United States of America) per share, of the capital stock of Empresa de Servicios Publicos de Los Estados Mexicanos, S. A., a Mexican corporation (Empresa), consisting of 15,000 shares described as "Fully Paid Shares" and the remaining 35,000 shares described as "Assessable Series" (40% assessed and paid), and (b) a claim for indebtedness held by Standard Gas against Empresa in the principal sum of \$428,495.48 (payable in United States currency), without interest. The said 50,000 shares of capital stock are all of the issued and outstanding shares of capital stock of Empresa and, together with the said claim of indebtedness, constitute the entire investment of Standard Gas in that company which conducts a public utility business in the States of Sonora and Sinaloa, Mexico.

Standard Gas, under the provisions of its Amendments No. 7, 8 and 9, now proposes that the payment of the purchase price for said securities shall be represented in part by a note executed and delivered by the purchaser to Standard Gas, in lieu of payment of the full purchase price in cash, as provided for in the original agreement of sale dated February 15, 1946, between the parties. Standard Gas proposes that under the terms of a Supplemental Agreement dated December 16, 1946, modifying the provisions of the original contract of sale dated February 15, 1946, as previously modified, the sum of \$600,000 (representing the balance of the purchase price, after applying \$258,000 earnest money heretofore paid by the proposed buyer to Standard Gas) shall be paid as follows: \$170,000 cash to be paid by the buyer to Standard Gas at time of closing (plus interest due under the contract of sale as supplemented by Supplemental Agreements, between the parties, extending the date of closing, dated July 29, 1946 and October 10, 1946) and the execution and delivery to Standard Gas by the buyer of his note in the amount of \$430,000 to be dated as of the date of closing, which note shall be payable as follows: \$80,000 principal amount on or before March 31, 1947, and \$350,000 principal amount on or before December 31, 1947, with interest thereon at the rate of 3% per annum, payable March 31, 1947, June 30, 1947, September 30, 1947 and December 31, 1947.

Standard Gas represents that the proposed sale of the securities, and the acceptance by Standard Gas of the note of the purchaser in the amount of \$430,000, are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and requests that the Commission, in its order permitting the declaration, as amended, to become effective, find that said sale and the acceptance of said note are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and make the specifications and itemizations necessary in order that the provisions of sections 371 (b), 371 (e) and 1808 (f) of the Internal Revenue Code shall be applicable.

Said Amendments 7, 8 and 9 having been filed on December 30, 1946, January 29, 1947, and February 3, 1947, re-

spectively, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said amended declaration, as further amended, within the period specified in such notice, or otherwise, and the Commission not having ordered a hearing thereon; and the declarant having requested that the Commission issue its order permitting said amended declaration, as further amended, as soon as practicable; and

The Commission finding that the requirements of section 12 (d) and Rule U-44 are satisfied, that no adverse findings are necessary thereunder and that the request of the declarant that action upon the amended declaration, as further amended, be accelerated should be granted; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers to permit said amended declaration, as further amended, to become effective forthwith;

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed by Rule U-24 that said amended declaration, as further amended, be, and the same is hereby, permitted to become effective forthwith.

*It is further ordered*, and the Commission finds, That the sale by Standard Gas and Electric Company of its entire investment in Empresa de Servicios Publicos de Los Estados Mexicanos, S. A. (a corporation organized under the laws of the Republic of Mexico) consisting of (a) 50,000 shares, par value \$100 per share, of the capital stock of said company and divided into: 15,000 shares described as "Fully Paid Series" and 35,000 shares described as "Assessable Series" (40% assessed and paid) and (b) a claim for indebtedness held by Standard Gas and Electric Company against the latter company in the principal sum of \$428,495.48 (payable in United States currency) without interest, to Theodore E. Shepard for \$858,000, and the acceptance by Standard Gas of a note executed by the purchaser in the amount of \$430,000, with interest thereon at the rate of 3% per annum, representing the payment of the balance of the purchase price due Standard Gas from Theodore E. Shepard under an Agreement of Sale dated February 15, 1946 and Supplemental Agreement thereto dated December 16, 1946, is in accordance with and in obedience to the order of this Commission dated August 8, 1941, which order found that the divestment by Standard Gas and Electric Company of its interest in Empresa was necessary and appropriate for the purpose of bringing about compliance with section 11 (b) (1) of said act; and the said 50,000 shares of common stock of Empresa are hereby specified and itemized as being included in the holdings of securities named in said order dated August 8, 1941.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-1763; Filed, Feb. 25, 1947;  
8:52 a. m.]

[File No. 70-1454]

MIDDLE WEST CORP.

## NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of February 1947.

Notice is hereby given that The Middle West Corporation ("Middle West") a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935. Declarant designates section 12 (b) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 27, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after said date said declaration, as filed or as amended, may be made effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the office of this Commission, for a statement of the transaction, therein proposed, which is summarized below.

Middle West proposes to pay to its subsidiary, Kentucky Utilities Company ("Kentucky"), \$1,500,000 as a contribution to its Common Stock capital. The declaration states that, subject to the approval of the Commission, an equal par amount of Common Stock of Kentucky will be issued to Middle West as a part of a comprehensive refinancing plan of Kentucky which Kentucky expects to file shortly with the Commission.

Kentucky proposes to use the funds received from Middle West to finance in part an extensive construction program calling for the expenditure in 1947 in excess of \$6,000,000, and states that it requires \$500,000 of these funds by March 1, 1947, and an additional \$1,000,000 from March 1 to June 1, 1947. Accordingly, the declarant requests that the Commission's order making the declaration effective be issued prior to March 1, 1947.

The declaration states that no state commission has jurisdiction over the proposed contribution by Middle West of \$1,500,000 to Kentucky Utilities Company.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-1771; Filed, Feb. 25, 1947;  
8:52 a. m.]

[File No. 70-1455]

DELAWARE POWER &amp; LIGHT CO.

## NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of February 1947.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), a registered holding company and an electric and gas utility company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935. Delaware has designated sections 6 and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration and amendment, which are on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Delaware proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, 50,000 shares of ----% Cumulative Preferred Stock of a Par Value of \$100 per share. Said 50,000 shares of new Preferred Stock shall be in addition to the presently outstanding 40,000 shares of 4% Cumulative Preferred Stock, of a Par Value of \$100 per share. The dividend rate and the price to the company for the new Preferred Stock will be determined by competitive bidding, except that the invitation for bids will specify that the dividend rate shall be a multiple of one-twentieth of one percent and shall not exceed 4% per annum, and that the price to the company shall not be less than \$100 per share nor more than \$102.75 per share plus accrued dividends, if any.

The proceeds from the proposed sale of Preferred Stock will be used to finance capital expenditures proposed to be made by Delaware during 1947 and to reimburse the treasury of the company for capital and other expenditures made since October 1943.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to said application-declaration, as amended, and that said application-declaration, as amended, shall not be granted nor permitted to become effective except pursuant to further order of the Commission;

It is ordered, That a hearing, under the applicable provisions of the act and rules thereunder, be held at 10 a. m., e. s. t. on March 6, 1947, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in room 318. At such hearing cause shall be shown why said application should be granted and said declaration permitted to become effective.

It is further ordered, That Allen MacCullen, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in

such matter. The officer so designated at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration, as amended, and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether or not the proposed issue and sale of Preferred Stock is for the purpose of financing the business of the declarant as a public utility company;

(2) Whether the proposed Preferred Stock is reasonably adapted to the earning power and the security structure of Delaware and its issuance and sale is necessary and appropriate to the economical and efficient operation of the business or businesses in which Delaware is engaged;

(3) Whether or not the fees, commissions, or other remunerations to be paid in connection with the issue, sale or distribution of said Preferred Stock are reasonable;

(4) Whether or not the terms and conditions of the issue and sale of Preferred Stock are detrimental to the public interest or the interests of investors or consumers;

(5) Whether or not the proposed accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles;

(6) Whether or not there will have been compliance with Rule U-50 promulgated under the act;

(7) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before March 4, 1947, his request or application therefor as provided by Rule XVII of the rules of practice of the commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to Delaware Power & Light Company and the Secretary of the State of Delaware, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-1769; Filed, Feb. 25, 1947;  
8:52 a. m.]



[File No. 70-1460]

UNION PRODUCING Co.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of February A. D. 1947.

Notice is hereby given that an application and declaration have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Union Producing Company ("Union") a wholly-owned subsidiary of United Gas Corporation ("United") which is a subsidiary of Electric Power & Light Corporation, a registered holding company. Union designates sections 9 (a) (1) 12 (c) and Rule U-42 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 28, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of

his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 28, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application and declaration, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Union proposes to redeem for cash on or about March 25, 1947, \$1,000,000 principal amount of its 6% Debentures due March 1, 1952, in accordance with the provisions thereof, at principal amount

and accrued interest thereon to date fixed for such redemption. Union has presently outstanding \$38,000,000 of said 6% Debentures, all of which are owned by United. The Debentures are pledged and held as collateral under the provisions of the Mortgage and Deed of Trust securing United's First Mortgage Bonds. The filing states that United has advised Union that it proposes to transfer the \$1,000,000 principal amount to be paid to the Trustee by Union to the Sinking Fund provided in said Mortgage as a credit against current requirements in accordance with the provisions of said Mortgage.

Union requests that the Commission's order granting the application and permitting the declaration to become effective be issued as promptly as may be practicable and that it shall be effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[P. R. Doc. 47-1770; Filed, Feb. 25, 1947; 8:52 a. m.]

